

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

N
Index # 07 CV 3530

Plaintiff(s)

SHEET METAL WORKERS' NATIONAL PENSION FUND, ET AL.,

- against -

AFFIDAVIT

Jeffrey S. Dubin
464 New York Ave. #100
Huntington, NY 11743

Defendant(s)

PRECISION TESTING & BALANCING, INC., AND FRED BROMBERG.
AS AN INDIVIDUAL, ET ANO.,

Court Date:
Your File No:
Our Rec. No: 255965

STATE OF NEW YORK: COUNTY OF NASSAU: ss:

David Levine LIC#778982, being duly sworn deposes and says deponent is not a party to this action and is over the age of eighteen and resides in the State of New York.

That on 05/14/07 at 3:28PM at:

1785 NEREID AVENUE Floor 2
BRONX, NY 10466

deponent served the within SUMMONS & COMPLAINT IN A CIVIL ACTION, JUDGE'S INDIVIDUAL** on LOUIS BROMBERG, AS AN INDIVIDUAL recipient therein named.

Service was made in the following manner after your deponent was unable with due dilligence to serve the recipient in person:

By delivering a true copy thereof to and leaving with MR. SMITH##-CO-WORKER a person of suitable age and discretion at 1785 NEREID AVE., 2ND FLOOR, BRONX, NY 10466 the said premises being the recipient's place of business within the State of New York.

A description of the recipient or other person served on behalf of the recipient is as follows:

Approximate Age: 60 Approximate Weight: 185 Approximate Height: 5'9

Color of Skin: WHITE Color of Hair: GRAY Sex: MALE

###REFUSED NAME **RULES & INSTRUCTIONS, PROCEDURES & GUIDELINES
FOR FILING AN ELECTRONIC CASE

Spoke w/ MR. SMITH##-CO-WORKER on 05/14/07 who confirmed his/her nonmilitary status.

Deponent also mailed a copy(ies) of same post paid by first class mail properly addressed to defendant(s) at the aforementioned address in an envelope marked 'personal & confidential' and not indicating that the communication was from an attorney or concerned an action against the defendant(s) and deposited said envelope in a post office depository under exclusive care and custody of the United States Postal Service within New York State on 05/17/07.

Deponent asked the person spoken to whether the defendant was presently in the military service of the United States Government or on active duty in the military service in the State of New York and was informed he was not. Your deponent further says that he knew the person so served to be the person mentioned and described in said legal papers as defendant/respondent therein. Your deponent is over the age of 18 years and is not a party to this action.

Sworn to before me this date 05/17/07
Bruce J Smilowitz #01SM4965926
Notary Public, State of New York
Nassau County, Commission Expires 04/30/2010


David Levine LIC#778982